IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3584 OF 2005

Dudhganga Vedganga Sahakari Sakhar Karkhana Limited ... Petitioner

V/s.

Balu Dattu Patil ... Respondent

Mr.C.U. Singh with Mr.M.S. Topkar for Petitioner
Ms.Madhavi Tavanandi for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 18, 2005**

P.C.:

. This Petition is directed against the order of Industrial Court passed on an interim application filed by the respondent. The Respondent filed a complaint under Items 4, 5, 6, 9 and 10 of Schedule IV of the MRTU & PULP Act. By an order in Writ Petition No.5945 of 2004 filed by the Petitioner before this Court, the complainant was directed to delete from the complaint Items 2 and 6 of Schedule IV of the MRTU & PULP Act and any pleadings with regard to Items 2 and 6 of Schedule IV were not to be considered unless of course the pleadings overlap in some instances. The Industrial Court on an interim application has observed that prayers made in the application were those which could

be granted only at the final stage. However, the Industrial Court has directed that the Petitioner should provide the seniority list in terms of order dated 4.3.2005, in order that the complaints be able to voice their grievance about the seniority list.

2. This decision of the Industrial Court must be set aside as an individual workman would have no right to vary the seniority list, especially at the interim stage. The seniority list of the employees in Petitioner's undertaking which is covered by Bombay Industrial Relations Act, has been fixed in accordance with the provisions of the BIR Act and the Standing Orders applicable to the undertaking, claims the Petitioner.

3. In such circumstances, the impugned order has to be set aside and is hereby set aside. Petition is disposed off accordingly.